IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 14011 of 2007(R)

PETITIONER:

M.V.NARAYANAN, EDATHUMMITHAL,
MEPPAYUR (PO), KOZHIKODE.

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT OF KERALA, DEPARTMENT OF CO-OPERATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE ASSISTANT REGISTRAR (ARBITRATOR), MEPPAYOOR, KOZHIKODE.

3. THE SENIOR INSPECTOR OF CO-OPERATIVE SOCIETIES/ARBITRATOR CUM SPECIAL OFFICER, KOZHIKODE.

4. THE INSPECTOR OF CO-OPERATIVE SOCIETIES (ARBITRATION AND EXECUTION), KOILANDY.

5. THE MEPPAYOOR CO-OPERATIVE HOUSING SOCIETY LTD.NO.D.1932, MEPPAYOOR (PO), REPRESENTED BY ITS SECRETARY.

BY GOVERNMENT PLEADER SRI. RAVIKRISHNAN.
SRI.N.L.KRISHNAMOORTHY
SRI.K.LAKSHMINARAYANAN
SMT.SATHYA SHREEPRIYA, SMT.S.SUJA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 14011/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE AWARD OF THE 4TH RESPONDENT DATED 28.12.04 IN ARC. 1935/04.

EXT. P2 : TRUE COPY OF THE REPRESENTATION DATED 29.6.05 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT. P3 : TRUE COPY OF THE R.P.245/05 FILED BY THE PETITIONER BEFORE THE KERALA CO-OPERATIVE TRIBUNAL.

EXT. P4 : TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE 5TH RESPONDENT IN R.P.245/05 OF THE KERALA CO-OPERATIVE TRIBUNAL, THIRUVANANTHAPURAM.

EXT. P5 : TRUE COPY OF THE ORDER DATED 23.3.2006 IN R.P.245/05 OF THE KERALA CO-OPERATIVE TRIBUNAL, THIRUVANANTHAPURAM.

EXT.P6 : TRUE COPY OF THE NOTICE DATED 10.5.2007 RECEIVED BY THE PETITIONER.

RESPONDENT'S EXTS:

EXT. R5(A) : TRUE COPY OF THE DECREE IN ARC NO.1867/04 BEFORE THE INSPECTOR OF CO-OPERATIVE SOCIETIES (ARBITRATION & EXECUTION), KOYILANDY.

EXT. R5(B) : TRUE COPY OF THE ORDER IN R.P. 245/05 BEFORE THE KERALA CO-OPERATIVE TRIBUNAL, TRIVANDRUM DATED 23.3.2006.

EXT. R5 (C) : TRUE COPY OF THE LEDGER ACCOUNT PRODUCED BEFORE THE FOURTH RESPONDENT.

K.M.JOSEPH, J.

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WP.(C) No.14011 of 2007

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Dated this the 28th day of June, 2007

JUDGMENT

Petitioner availed a loan. It was not repaid in time. Proceedings were initiated against the petitioner.

2. I heard learned counsel for the petitioner and the respondents. Petitioner prays for time to pay off the amount in instalments.

Having regard to all facts, the writ petition is disposed of permitting the petitioner to pay off the amount remaining to be paid with interest in seven equal monthly instalments, the first of which shall be paid on or before 2.8.2007 and the succeeding instalments on or before the 2nd of the succeeding months. The respondent Bank will serve a statement on the petitioner showing the exact amount of instalment calculating the amount on the basis that the remaining amount has to be paid in seven equal monthly instalments. The amount remaining to be paid shall be calculated after adjusting the amount already paid. If the petitioner continues to pay the amount as aforesaid, proceedings shall be kept in abeyance. But if any instalment is

defaulted, petitioner will loose the benefit of this judgment and the Bank can proceed against the petitioner in accordance with law.

(K.M. JOSEPH, JUDGE)

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